

AMENDED IN SENATE JULY 13, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1505

Introduced by ~~Committee on Labor and Employment~~
(~~Assembly Members Roger Hernández (Chair), Chu, Low,~~
~~McCarty, and Thurmond~~) *Assembly Member Roger Hernández*

March 4, 2015

An act to ~~add Section 2066.5 to the Labor Code, relating to car~~
~~washes; amend Section 802 of the Penal Code, relating to crimes.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1505, as amended, ~~Committee on Labor and Employment~~ *Roger Hernández. Car washes. Statute of limitations: public contracts.*

Existing law makes it a misdemeanor to split or separate into smaller work orders or projects any public work project for the purpose of evading the requirement that public work be done by contract after competitive bidding.

Existing law requires that the prosecution of a misdemeanor, unless otherwise provided by law, commence within one year of the commission of the offense.

This bill would require that prosecution for a misdemeanor resulting from a city evading provisions requiring public work projects to be done by contract after competitive bidding, as prescribed, be commenced within 3 years of the commission of the offense.

~~Existing law regulates the employment practices of car washes, including providing specific recordkeeping requirements that employers of car washers must implement with regard to car washer wages, hours, and working conditions, under the enforcement authority of the Division of Labor Standards and Enforcement. Existing law requires employers~~

~~of car washers to register with the Labor Commissioner and pay a specified registration fee, or be subject to a specified civil fine. Existing law also requires employers of car washers to post a \$150,000 bond for the benefit of the state to compensate employees damaged by the employer's nonpayment of wages, except as specified. Existing law also provides that a successor to an employer that owed wages and penalties to the predecessor's employees is liable for those wages and penalties under specified circumstances.~~

~~This bill would require a car wash employer to provide written notice to a successor employer regarding the above provisions prior to the sale or other transfer of the business.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 802 of the Penal Code is amended to
2 read:
- 3 802. (a) Except as provided in subdivision (b), (c), (d), or (e),
4 prosecution for an offense not punishable by death or imprisonment
5 in the state prison or pursuant to subdivision (h) of Section 1170
6 shall be commenced within one year after commission of the
7 offense.
- 8 (b) Prosecution for a misdemeanor violation of Section 647.6
9 or former Section 647a committed with or upon a minor under the
10 age of 14 years shall be commenced within three years after
11 commission of the offense.
- 12 (c) Prosecution of a misdemeanor violation of Section 729 of
13 the Business and Professions Code shall be commenced within
14 two years after commission of the offense.
- 15 (d) Prosecution of a misdemeanor violation of Chapter 9
16 (commencing with Section 7000) of Division 3 of the Business
17 and Professions Code shall be commenced as follows:
- 18 (1) With respect to Sections 7028.17, 7068.5, and 7068.7 of the
19 Business and Professions Code, within one year of the commission
20 of the offense.
- 21 (2) With respect to Sections 7027.1, 7028.1, 7028.15, 7118.4,
22 7118.5, 7118.6, 7126, 7153, 7156, 7157, 7158, 7159.5 (licensee
23 only), 7159.14 (licensee only), 7161, and 7189 of the Business

1 and Professions Code, within two years of the commission of the
2 offense.

3 (3) With respect to Sections 7027.3 and 7028.16 of the Business
4 and Professions Code, within three years of the commission of the
5 offense.

6 (4) With respect to Sections 7028, 7159.5 (nonlicensee only),
7 and 7159.14 (nonlicensee only) of the Business and Professions
8 Code, within four years of the commission of the offense.

9 (e) Prosecution for a misdemeanor violation of Section 6126,
10 10085.6, 10139, or 10147.6 of the Business and Professions Code
11 or Section 2944.6 or 2944.7 of the Civil Code shall be commenced
12 within three years after discovery of the commission of the offense,
13 or within three years after completion of the offense, whichever
14 is later.

15 (f) *Prosecution for a violation of Section 20163 of the Public*
16 *Contract Code shall commence within three years of the*
17 *commission of the offense.*

18 ~~SECTION 1. Section 2066.5 is added to the Labor Code, to~~
19 ~~read:~~

20 ~~2066.5. An employer engaged in car washing and polishing~~
21 ~~shall provide a successor with written notice of the provisions of~~
22 ~~this part, including Section 2066, prior to the sale or other transfer~~
23 ~~of the business.~~